

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-81891-CIV-CANNON

WILLIAM NOONAN,

Plaintiff,

v.

JOHN DOE,

Defendant.

_____ /

ORDER TO CLARIFY CITIZENSHIP

THIS CAUSE comes before the Court upon a *sua sponte* review of the record. “A federal court not only has the power but also the obligation at any time to inquire into jurisdiction whenever the possibility that jurisdiction does not exist arises.” *Fitzgerald v. Seaboard Sys. R.R., Inc.*, 760 F.2d 1249, 1251 (11th Cir. 1985) (citations omitted). It is the Court’s responsibility to “zealously insure that jurisdiction exists over a case.” *Smith v. GTE Corp.*, 236 F.3d 1292, 1299 (11th Cir. 2001).

Plaintiff’s basis for subject matter jurisdiction is diversity jurisdiction under 28 U.S.C. § 1332(a) [ECF No 1 ¶ 8]. As relevant here, federal courts have diversity jurisdiction over civil actions between citizens of different states where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. In this case, Plaintiff seeks damages in excess of \$75,000 [ECF No. 1 ¶¶ 8, 29], but Plaintiff makes insufficient allegations to show that complete diversity of citizenship exists [ECF No. 1 ¶¶ 1, 2]. According to the Complaint, Plaintiff is a “resident of Palm Beach County, Florida” [ECF No. 1 ¶ 1]. Although Plaintiff does not yet know the identity of Defendant, the Complaint asserts that “[u]pon information and belief, [Defendant] is a resident of the state of Florida” [ECF No. 1 ¶ 2]. If true, complete diversity does not exist, and this Court does not have


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subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332. *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998).

Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff shall file a memorandum clarifying why this Court has jurisdiction over this case on or before **December 14, 2022**. Failure to do so may result in dismissal of the action without further notice.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 7th day of December 2022.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record